

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1, 4, 6-10, 12-15, 18-21, 26-50, 52-57, 59-61, 63, 64, 66, 67, 69, 72, 73, 75-79, 93, 94, 96, 97 and 99-103 remain pending, wherein claims 28, 29, 50, 53-55, 57 are amended. It is respectfully submitted that the amendments to claims 28, 29, 50, 53-55, 57 are not limiting amendments.

Applicants would like to thank Examiner Channavajjala for his time and courtesy during the personal interview conducted with the undersigned on July 10, 2007.¹ The following summarizes the topics discussed during the personal interview.

Claims 1-4, 6-10, 12-15, 18-21, 26-50, 52-57, 59-64, 66, 67, 69, 71-73, 75-85, 87, 92-94, 96, 97 and 99 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-58 of co-pending patent application no. 09/938,866, claims 1-42 of co-pending patent application no. 10/116,932, claims 1-37 of co-pending patent application no. 10/117,514, claims 1-51 of co-pending patent application no. 10/387,002, and claims 1-42 of co-pending patent application no. 10/387,005. This ground of rejection is respectfully traversed.

¹ Applicants note that the Examiner Interview Summary indicates that the interview occurred on March 8, 2007. It is believed that this is a typographical error.

Initially, it is noted that a number of the rejected claims have been canceled. Accordingly, as to these canceled claims, this ground of rejection is moot.

Regarding the pending claims, this ground of rejection should be withdrawn because this ground of rejection is not based upon the claims in their current form. For example, the rejection states that the pending claims recite “determination means”. However, this claim element was previously canceled from the claims.

Furthermore, the Office Action has not presented sufficient evidence to establish a *prima facie* case of obviousness-type double patenting. Instead of identifying the differences between the presently pending claims and those of the co-pending applications, the Office Action merely states some of the elements recited in the claims. This, however, is not sufficient to establish a *prima facie* case of obviousness-type double patenting, and this ground of rejection should be withdrawn.

Claims 1-4, 6-8, 13-15, 18-21, 26-39, 59-64, 66, 67, 69, 71, 78, 79, 93, 94, 96, 97 and 99-103 are rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination U.S. Patent No. 6,567,800 to Barrera et al. (“Barrera”) and U.S. Patent No. 5,933,827 to Cole et al. (“Cole”). This ground of rejection is respectfully traversed.

Initially, it is noted that a number of the rejected claims have been canceled. Accordingly, as to these canceled claims, this ground of rejection is moot.

The combination of Barrera and Cole does not render Applicants' claim 1 obvious because the combination does not disclose or suggest all of the elements of this claim. Furthermore, the rejection does not consider the claim as a whole, and one of ordinary skill in the art would not have been motivated to combine Barrera and Cole in the manner described in the Office Action.

The combination of Barrera and Cole does not disclose or suggest "data acquisition means for acquiring a web page data browsed by a browser client when said browser client newly browses the web page data," as recited in claim 1.

As discussed during the personal interview, Barrera discloses a system in which "website content is *automatically* gathered and stored using a *software application called a spider*."² In contrast, the data acquisition means of Applicants' claim 1 acquires "a web page data browsed by a *browser client* when said browser client newly browses the web page data."

² Col. 4, lines 4-6 (emphasis added).

Recognizing this deficiency of Barrera, the Office Action cites Cole. Cole discloses a system that can provide a user with a list of recently added web pages of interest.³ Cole does not, however, disclose data acquisition means for acquiring the list of recently added web pages when the browser client newly browses the web page data. Instead, Cole merely discloses that a browser can display a list of web pages that were recently added to the web page cataloging system. Accordingly, Cole does not remedy the above-identified deficiencies of Barrera.

Furthermore, it is respectfully submitted that the rejection of Applicants' claim 1 is not based upon consideration of the claim as a whole. Specifically, the keyword extraction means, indexing means and saving means all operate using the acquired web page data. This web page data is "browsed by a browser client when said browser client newly browses the web page." In contrast to the web page data that is browsed by a browser client, the system of Barrera operates on website content that is automatically gathered using a spider software application. Accordingly, when Applicants' claim 1 is considered as a whole, Barrera is not at all relevant.

Regarding the motivation to combine, the Office Action recognizes that Barrera does not disclose or suggest "acquiring a web page data browsed by a

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browser client when said browser client newly browses the web page data". As discussed above, Barrera uses a spider to automatically gather and store website content. It is respectfully submitted that one of ordinary skill in the art would not have been motivated to replace this automatic process explicitly disclosed by Barrera to require the use of a web browser. Specifically, the system of Barrera is designed as a web search engine that allows searches of websites in selected categories. As discussed during the personal interview, incorporating a manual process, in which a browser client is involved, into the system of Barrera would not be a practical means to collect data for the web search engine. Accordingly, it is respectfully submitted that one of ordinary skill in the art would not have been motivated to modify Barrera by Cole in the manner described in the Office Action.

Independent claims 59, 60 and 93 recite similar elements to those discussed above with regard to claim 1, and are patentably distinguishable over the combination of Barrera and Cole for similar reasons. The dependent claims are patentably distinguishable at least by virtue of their dependency from independent claims 1, 59, 60 or 93.

For at least those reasons set forth above, it is respectfully requested that the rejection of claims 1, 4, 6-10, 12-15, 18-21, 26-50, 52-57, 59-61, 63, 64, 66, 67,

69, 72, 73, 75-79, 93, 94, 96, 97 and 99-103 as being obvious in view of the combination of Barrera and Cole be withdrawn.

Claims 40-50, 52-57 and 75-77 are rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of Barrera, Cole and U.S. Patent No. 6,081,829 to Sidana ("Sidana"). Claims 9, 10, 12, 72 and 73 are rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of Barrera, Cole and U.S. patent No. 5,848,410 to Walls et al. ("Walls"). These grounds of rejection are respectfully traversed.

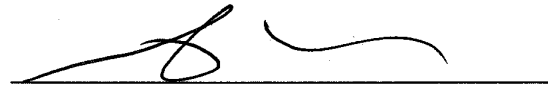
As discussed above, the combination of Barrera and Cole does not disclose or suggest all of the elements of independent claims 1, and one of ordinary skill in the art would not have been motivated to combine Barrera and Cole in the manner described in the Office Action. It is respectfully submitted that Sidana and Walls do not remedy the above-identified deficiencies of the combination of Barrera and Cole. Accordingly, it is respectfully requested that the rejection of the claims that depend from independent claims 1, be withdrawn.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #103251.58983US).

Respectfully submitted,

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